

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RENA D. STINSON, #234171,)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO. 2:07cv225-WHA
)	
STATE OF ALABAMA, et al.,)	
)	
Respondents.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #15) and the Objection of Petitioner (Doc. #17).

In her objection, Stinson does not dispute her failure to exhaust state remedies with respect to all but one of her numerous claims for relief; rather, she argues that this court should hold her petition in abeyance until she exhausts state remedies so that the limitation period does not expire during her attempt to complete exhaustion. Stinson's argument as to expiration of the federal limitation period establishing good cause for a stay is without merit as the limitation period will be statutorily tolled during the pendency of any properly-filed state post-conviction petition. 28 U.S.C. § 2244(d)(2) ("The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this section.") Her argument that the state courts may not provide a fair review of her claims likewise does not allege an exceptional circumstance warranting a stay of this case. Thus, Stinson fails to present any valid basis for a stay of this case during the exhaustion of her available state remedies.

Therefore, the court adopts the Recommendation of the Magistrate Judge, and it is hereby ORDERED that this petition for habeas corpus relief is DENIED, and the petition is DISMISSED without prejudice, to afford the Petitioner an opportunity to exhaust all state court remedies available to her.

DONE this 15th day of August, 2007.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE